

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bevilacqua, et al  
Serial No.: 09/821,850  
Date Filed: March 29, 2001

Atty Docket: 2331/112  
Art Unit: 1631  
Examiner: Allen, M. P.

Invention: Systems and Methods for Characterizing a Biological Condition  
Or Agent Using Calibrated Gene Expression Profiles

#2612  
Plunkett  
7/22/03

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Certificate of Facsimile

I hereby certify that this correspondence is being submitted via facsimile to the Commissioner for Patents, technology center 1600, Attention of Examiner Marianne P. Allen at facsimile numbers (703)-305-3014 (official copy) and (703) 746-5233 (courtesy copy), on July 10, 2003.

  
Barbara J. Carter, Ph.D.

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Commissioner for Patents  
Alexandria, VA 22313-1450

**SECOND SUPPLEMENT TO RESPONSE B**

Dear Sir:

Applicants express appreciation to the Examiner for the courtesy of the personal interview of July 1, 2003 and subsequent discussion thereafter by telephone. Applicants hereby request that the application be amended as set forth below.

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Practitioner's Docket No. 2331/112

PATENT

**DOCKETED**  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bevilacqua et al.

Application No.: 09/821,850

Filed: 03/29/2001

Group No.: 1631

Examiner: Allen, M.P.

For: Systems and Methods for Characterizing a Biological  
Condition or Agent Using Calibrated Gene Expression ProfilesCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

## STATUS

2. Applicant is a small entity. A statement was already filed.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\****(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

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## TRANSMISSION

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Signature

Date: July 10, 2003

Barbara J. Carter, Ph.D.

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	50	-- 339	= 0	x \$ 9.00	= \$	0.00	
INDEP.	1	-- 25	= 0	x \$ 42.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
TOTAL ADDIT. FEE					\$	0.00	


No additional fee for claims is required.

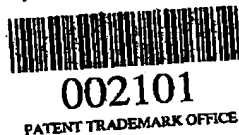
**FEE DEFICIENCY**

5. An additional extension and/or fee is required, charge Account No. 19-4972.

An additional fee for claims is required, charge Account No. 19-4972.

Date: July 10, 2003

  
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## FACSIMILE

TO	Examiner Marianne P. Allen Commissioner for Patents	FAX	703-746-5233
FROM	Karen Fama; Legal Assistant to Barbara J. Carter	PAGES	13 (INCLUDING THIS SHEET)
PHONE	703-308-0666	DATE	7/21/2003
RE	Serial No. 09/821/850		
OUR FILE	2331/112	YOUR FILE	Application # 09/821,850

## COMMENTS

Please see the attached re-submission on an amendment that was filed on July 10, 2003 for the above-referenced matter.

PLEASE NOTIFY BROMBERG & SUNSTEIN LLP AT (617) 443-9292, IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION.

THIS TRANSMITTAL IS INTENDED ONLY FOR THE ADDRESSEE, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF THE RECIPIENT OF THIS TRANSMITTAL IS NOT THE ADDRESSEE, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE.

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